

REMARKS

In the Office Action mailed September 20, 2004, the Examiner noted that claims 1 and 3-13 were pending, and rejected claims 1 and 3-13. Claims 1 and 7-13 have been amended and, thus, in view of the forgoing claims 1 and 3-13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action, the Examiner rejected claims 12 and 13 under 35 U.S.C. section 101 as directed to non-statutory subject matter. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. Withdrawal of the rejection is requested.

In the Office Action the Examiner rejected claims 1 and 7 under 35 U.S.C. section 112 paragraph 2 as indefinite. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 4 of the Office Action, the Examiner rejected all claims under 35 U.S.C. § 102 as anticipated by Glassman.

The claims of the present invention emphasize that "a literary work is sold per units of rights based on a copyright of the literary work" (see claim 1, for example). The specification notes that the rights are divided into the copyright rights of reproduction, performance, public broadcast, etc. and the claims particularly also emphasize that the rights comprise "a right to reproduce the original (reproduction right), a right to broadcast to the public (broadcast right), a right to exhibit to the public (exhibition right) or a right to perform (performance right)" (see claim 1, for example). That is, the copyright right to reproduce can be sold separately from the right to perform.

The Examiner points to Glassman at col. 5, lines 34-56 for a comparison with this rights units selling feature. This portion of Glassman specifically states:

FIG. 5 is a diagram illustrating transactions between a consumer 510 and a vendor 512 utilizing license scrip to enforce an N-user license agreement according to the present invention. In the transactions of FIG. 5, the vendor 512, for example, can be a library located at a state university. Assume the library purchases a four user license for a CD-ROM and makes the CD-ROM available to other terminals in the library via a local area network and residents of the state via the Internet. To conform with the license, the library must ensure that no more than four consumers are simultaneously accessing the CD-ROM. In this example, the library is the vendor 512 and the people who can access the CD-ROM, either

in the library or elsewhere, are the consumers 510.

In another example, a newspaper publisher operates a web site. Assume that a corporation purchases a 20 user license allowing up to 20 people from the corporation to simultaneously access content on the web site. To police its license, the publisher tracks the users of its web site and block users who are not licensed or who have exceeded the scope of the applicable license. Accordingly, the newspaper publisher is the vendor 512 and the corporation and its employees are the consumers 510.

(Glassman, col. 5, lines 34-56)

This portion of Glassman discusses licensing numbers of users not copyright rights units. It is submitted that the present claimed invention patentably distinguishes over Glassman and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 4 calls for obtaining from the seller copyright rights to be sold. Glassman does not teach or suggest such. It is submitted that the dependent claims are independently patentable over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112 and 101. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: _____

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